

**STATEMENT OF JAYSON P. AHERN
U.S. HOUSE OF REPRESENTATIVES
COMMITTEE ON ENERGY AND COMMERCE
SUBCOMMITTEE ON OVERSIGHT AND INVESTIGATIONS**

“THE SAFETY OF IMPORTED DRUGS”

DECEMBER 13, 2005

INTRODUCTION:

Mr. Chairman, Ranking Member Stupak and other Members of the Committee, I am Jayson P. Ahern, Assistant Commissioner, Office of Field Operations at the Bureau of Customs and Border Protection (CBP). I appreciate the opportunity to testify at today's hearing. My testimony will focus on CBP's efforts to prohibit the illegal importation of controlled substances into the United States.

CBP, as the guardian of the Nation's borders, is America's frontline of defense. CBP safeguards the homeland—foremost, by preventing the entry of terrorists and instruments of terror into the United States, while ensuring the speedy, orderly, and efficient flow of lawful trade and

commerce. At the same time, we must continue to perform our time-honored duties, including the duty to enforce laws related to the admissibility of controlled substances falling under the jurisdiction of the Drug Enforcement Administration (DEA).

Mr. Chairman, I would like to thank this Committee for bringing this issue to the forefront of the public's attention. An enormous volume of controlled substances are either purchased over the Internet and shipped through our international mail and express courier facilities, or they may transit our borders through other ports of entry.

The volume of illegal importations is so great that CBP was forced to streamline its operational processing of controlled substance interdictions at the 13 international mail and 29 express courier facilities. On September 1, 2004, we implemented a policy in which these locations interdict Schedules III, IV and V controlled substances but no longer formally seize these substances due to the fact that it takes approximately one hour to process each seizure. Rather, since the majority of these shipments are imported in non-commercial quantities, the controlled substances are held as unclaimed personal property. The intended

recipients are subsequently notified of the interdictions and provided with the option of either requesting that CBP formally seize the controlled substances or of abandoning the controlled substances to the Government. If the controlled substances are abandoned or if the intended recipient does not respond to our notification within 30 days, destruction will occur.

Customs and Border Protection is undertaking significant measures to protect U.S. residents from controlled substances manufactured abroad. Specifically, we are instituting a strategy that includes identifying national importation trends by centralizing this function under one of our field analytical units, using these trends along with shipper information identified from interdictions at our mail facilities to electronically target illegal shipments, and conducting both national and localized enforcement operations.

CBP is also an active participant on an inter-agency task force that works cooperatively with the DEA, the FDA, U.S. Immigration and Customs Enforcement (ICE), the Office of National Drug Control Policy (ONDCP), and the Department of Justice (DOJ).

The task force's law enforcement participants conducted three-day enforcement blitzes named "Operation Safeguard" at all international mail branches (IMBs) and two express courier facilities. These enforcement efforts are designed to identify the type, volume, and quality of such shipments. Results from Operation Safeguard indicate that many importations are of questionable origin. Specific results from recent phases of these blitzes are:

JFK Airport, New York, June 29 through July 1, 2004

- 300 packages contained illicit products.
- 137 of the 300 packages contained a controlled substance.

Seattle, Washington, July 27 through July 29, 2004

- 300 packages contained illicit products.
- 64 percent of the illicit products were manufactured in Canada, 27 percent did not list a country of manufacture, and 9 percent were manufactured in the United States, Japan and Western Europe.
- 2 of the 300 packages contained controlled substances.

Chicago, Illinois, August 17 through August 19, 2004

- 300 packages contained illicit products.
- 30 percent of the illicit products were manufactured in Mexico, 15.8 percent were manufactured in Canada, 22.8 percent did not list a country of manufacture, 7.4 percent were manufactured in the United Kingdom, and 4.9 percent were produced in the United States.
- 7 of the 300 packages contained controlled substances.

Newark, New Jersey, September 21 through September 22, 2004

- 24 packages contained illicit products.
- Most of the packages were person to person shipments from China and Norway.
- Many of the packages from China contained either herbal products or could not be identified.

**FedEx Hub, Memphis, Tennessee, October 25 through
October 27, 2004**

- 153 packages contained illicit products.
- 88 of the parcels were exported from Germany.
- 90 of the 153 packages contained controlled substances.

United Parcel Service Hub, Louisville, Kentucky, November 16, through November 18, 2004

- 35 packages contained illicit products.
- The majority of the parcels were exported from Canada and China.

Honolulu, Hawaii, March 15 through March 17, 2005

- 183 packages contained illicit products.
- Canada was the country of manufacture for 18 percent of the products, Germany was the country of manufacture for 11 percent of the products, 6.5 percent were manufactured in Thailand, and the country of manufacture could not be determined for 37 percent of the products.
- 4 of the 183 packages contained controlled substances.

San Francisco, California, August 9 through August 11, 2005

- 301 packages contained illicit products.
- Canada was the country of manufacture for 23 percent of the products, 9 percent were manufactured in Thailand, and for 37 percent the country of manufacture could not be

determined.

- 4 of the 301 packages contained controlled substances.

Dallas-Fort Worth, Texas, December 6 through December 8, 2005

- 300 packages contained illicit products.
- Canada was the country of manufacture for 56.7 percent of the products, 5.6 percent were manufactured in Mexico, and for 30.3 percent the country of manufacture could not be determined.
- 19 of the 300 packages contained controlled substances.

The task force has accomplished other significant efforts. During my testimony last year before the Senate Permanent Subcommittee on Investigations, I stated that a public service announcement communicating the potential dangers of foreign-made controlled substances was being jointly developed by CBP and the FDA. I am pleased to report that the public service announcement has been completed and can be found on both CBP's and FDA's web sites.

The task force also worked with Google, Inc. to provide consumers searching for on-line pharmacies the ability to obtain information on

importation restrictions concerning controlled substances. Specifically, individuals who query Google for items such as steroids are provided with a link to a page on CBP's web site which informs them of importation restrictions. This is an excellent example of the private and public sectors partnering to protect the public from the illegal acquisition of controlled substances.

In addition, the task force is currently discussing with leading Internet companies, parcel carriers, and payment providers efforts that these industries can undertake to assist federal authorities in curtailing the supply of illicit Internet sales.

I would also like to recognize efforts undertaken by U.S. Immigration and Customs Enforcement (ICE). ICE has conducted Operation Apothecary to address, measure and attack potential vulnerabilities in the entry process that might allow for the smuggling of commercial quantities of illegal products. This special operation includes investigative work by the Cyber Crimes Center and enforcement blitzes at international mail branches, express courier facilities, and land border ports of entry.

CONCLUSION

Customs and Border Protection officers are vigilant in detecting imported products that violate the Controlled Substances Act. However, given our agency's available resources and priority of protecting U.S. residents against the threat of terrorism, experience shows that our officers are unable to identify all of the parcels containing controlled substances arriving via mail and express courier each day. Even though we have made strides in addressing this problem, the growing volume presents a formidable challenge.

We are aggressively using our existing enforcement tools to combat the proliferation of controlled substance importations purchased on the Internet, and we will continue to evaluate approaches that might enhance these efforts.

Thank you for the opportunity to testify. I look forward to responding to any questions you may have.